

INSD Pro Se Civil Generic Complaint (unrelated to imprisonment) 12/19 (Adapted from AO Pro Se 1 (Rev. 12/16) Complaint for a Civil Case)

FILED**OCT 05 2020****U.S. CLERK'S OFFICE
INDIANAPOLIS, INDIANA****UNITED STATES DISTRICT COURT**

for the

Southern District of Indiana**1 : 20 -cv- 2 5 8 4 JRS -TAB**

Case No.

(to be filled in by the Clerk's Office)

Marianna C. Perez

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one)



Yes



No

Indiana State Police et al

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE**NOTICE**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include *only*: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievances, witness statements, evidence, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Wrongful Death under the Federal Tort Claims Act (FTCA)
Federal Civil Rights statute Title 18 USC section 249
Federal Conspiracy Against Rights Title 18 U.S.C. Section 241

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual:

The plaintiff, *(name)* _____, is a citizen of
the State of *(name)* _____, OR is a citizen of
(foreign nation) _____

b. If the plaintiff is a corporation, partnership, or other entity:

The plaintiff, *(name)* _____, is incorporated under
the laws of the State of *(name)* _____, and has its
principal place of business in the State of *(name)* _____.
Or is incorporated under the laws of *(foreign nation)* _____,
and has its principal place of business in *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual:

The defendant, (name) _____, is a citizen of
the State of (name) _____, OR is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation, partnership, or other entity:

The defendant, (name) _____, is incorporated under
the laws of the State of (name) _____, and has its
principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

II. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Marianna C. Perez
226 Constock Street
Joliet
IL 60436
(708) 712-1979
mady.mariposa@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation or other entity. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

Defendant No. 1

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Indiana State Police
2209 N. Newton St.
Jasper
Indiana ~~477546~~ 47546
(812) 482-1441

Defendant No. 2

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Indiana SWAT Team
2209 N. Newton St.
Jasper (past)
Indiana 47546
(812) 482-1441

Defendant No. 3

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Aaron J. Kemple & Tyler Phillips
~~Coronado~~ Orange County
9640 West State Rd 56
French Lick
Indiana 47437
812-653-0997
aaronkemple@hotmail.com

Defendant No. 4

Orange County Sheriff's Dept.
205 E. Main St.
Paoli, IN. 47454
(812) 723-2417

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Orange County Sheriff called to my brother's Angel Luis Pagan Jr. home, then they alleged my brother armed with a gun. Sheriffs called Indiana State Police on Monday Nov. 5th @ 7pm.

On Tuesday Nov. 6th @ 1:54pm my brother was pronounced dead with a single gunshot wound. We were told by sheriffs office my brother committed suicide.

It took 6 months for Orange County Coroner to release his autopsy report to us and the ~~report~~ report shows my brother was killed and did not commit suicide.

The sheriff, Coroner, and Indiana State Police tried to cover this up and denied my brother his right to live and our family the right to know the truth.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

~~I am~~ I am seeking compensatory damages for the life of my brother, taken from us, for mental and emotional damages in the amount of 3 million.

I am also seeking punitive damage to punish those responsible for my baby brother's death & trying to cover up the truth which caused the state tort statute limitation time to expire.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

10/5/2020

Signature of Plaintiff

Marcus C. Percy